

Practitioner's Docket No. U 013396-8

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Yoel ARIEHI, et al

Application No.: 09/829,435

Group No.: 2877

Filed: April 9, 2001

Examiner:

For: SPATIAL AND SPECTRAL WAVEFRONT ANALYSIS AND MEASUREMENT

Box Missing Part

Assistant Commissioner for Patents

Washington, D.C. 20231

COMPLETION OF FILING REQUIREMENTS
-- NONPROVISIONAL APPLICATION

(check and complete this item, if applicable)

- I. This replies to the Notice to File Missing Parts of Application (PTO-1533) or Notice of Informal Application mailed June 5, 2001.

NOTE: If these papers are filed with the office letter issues, adequate identification of the correspondence should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return postcard, and on the attorney's docket number, should be indicated.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

When using Express Mail, the Express Mail serial number is mandatory.
Express Mail is not required for other mail.

I hereby certify that, on the date shown below, this correspondence is being

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. 1.8(a)

37 C.F.R. 1.10*

- ☒ with sufficient postage as first class mail

- ☐ as "Express Mail" Post Office to Atlanta
Mail and carrier No. _____ mandatory

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office

Date: August 1, 2001

Signature

JULIAN H. COHEN

Attorney for the Applicant

*WARNING: Correspondence filed with the PTO must be accompanied by a return address. If the correspondence is not accompanied by a return address, the PTO will not accept the correspondence for filing. If the correspondence is not accompanied by a return address, the PTO will not accept the correspondence for filing. If the correspondence is not accompanied by a return address, the PTO will not accept the correspondence for filing.

☒ A copy of the Notice is enclosed.

NOTE: The PTO requires that a copy of Form PTO 1538 be returned with the response to the notice to the mail designated for the application.

DECLARATION OR OATH

II. (a) ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: If the corrections or amendments are not made to the information on the application under Section 1538, the inventor, or the oath or declaration under Section 1538, the inventor's submission of an examination will be considered as an application under Section 1538 during the pendency of the application and will act to correct the earlier information on the application. 37 C.F.R. Section 1.480 to 1.486.

OR

(b) ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item VI-B below.

NOTE: The following combinations of information supplied on an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and complying with any one of the items below which are accepted as complying with the identification requirement of 37 C.F.R. Section 1.68.

(A) application number (consisting of the series code and the serial number) e.g. 08 123 456.

(B) Serial number and filing date

(C) application number which was on the specification as filed.

(D) title which was on the specification as filed and the serial number filed at the time of filing the specification.

(E) title which was on the specification as filed and a combination of the serial number and filing date or the application number which it was identified on, either the application number (consisting of the series code and the serial number) e.g. 08 123 456, or serial number and filing date. Inventor's statements of identification shall be presumed that the application filed in the PTO is the application with which the inventor is associated for the oath or declaration.

M.P.P. Section 601.01(a) - (d)(1)

NOTE: For minimum found acceptable in the examination of the identification, the inventor's statement shall be the express name number, serial number, where the serial number is not yet known. But in the practice where the express number is a Saturday Number or a claim within the 15 days of the filing 37 C.F.R. Section 1.205.

(complete as applicable)

Attached is a

(c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.

(d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

(e) ☐ Statement that substitute specification contains no new matter.

(f) ☐ Preliminary Amendment.

(g) ☐ Transmittal of Formal Drawings (Prior to Notice of Allowance).

(h) ☐ Submission of "Sequence Listing," computer readable copy, and an amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

AMENDMENT TO CLAIMS

III. ☐ Cancel claims _____ inclusive.

TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For one processing a non-English application or amendment U.S. Patent

NOTE: The non-English oath or declaration in the form provided is approved by the PTO and does not violate 37 C.F.R. Section 1.52(b).

NOTE: The translation for a regular application filed in a foreign language must be certified 37 C.F.R. Section 1.52(d).

SMALL ENTITY STATUS

V. ☒ A statement that this filing is by a small entity

(check and complete applicable items)

☐ is attached.

☐ A separate refund request accompanies this paper.

☐ was filed on _____ (original).

COMPLETION FEES

VI.

WARNING: Failure to submit the surcharge fees when required will cause the application to be abandoned 37 C.F.R. Section 1.53.

NOTE: The amount of the surcharge is determined by the date of the filing of the application 37 C.F.R. Section 1.53.

1. Filing fee

☒ original patent application

filed before 29 December 1999

(37 C.F.R. Section 1.16(a))-\$760.00; small entity--\$380.00

\$

filed after 29 December 1999

(37 C.F.R. Section 1.16(a))-\$770.00; small entity--\$385.00

\$

2. design application

(37 C.F.R. Section 1.16(c))-\$320; small entity--\$160

\$

2. Fees for claims

- ☒ each independent claim in excess of 3
(37 C.F.R. Section 1.16(b)--\$80; small entity--\$40) \$ 840.00
- ☒ each claim in excess of 20
(37 C.F.R. Section 1.16(c)--\$18; small entity--\$9) \$ 2052.00
- ☐ multiple dependent claim(s)
(37 C.F.R. Section 1.16(d)--\$270; small entity--\$135) \$ _____

3. Surcharge fees

- ☒ late payment of filing fee and or late filing of original declaration or oath
(37 C.F.R. Section 1.16(e)--\$130; small entity--\$65) \$ 65.00

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers, the Office practices under 37 C.F.R. Section 1.16(e) is that only one surcharge fee need be paid whether the later two items (a declaration and/or the filing fee) are submitted afterwards at the same time or at different times.

4. ☐ Petition and fee for filing by other than
all the inventors or a person not the inventor
(37 C.F.R. Sections 1.17(i) and 1.47--\$130) \$ _____

5. ☐ Fee for processing an application filed with
a specification in a non-English language
(37 C.F.R. Sections 1.17(k) and 1.52(d)--\$130) \$ _____

6. ☐ Fee for processing and retention of application
(37 C.F.R. Sections 1.21(h) and 1.53(d)--\$130) \$ _____

NOTE: 37 C.F.R. Section 1.21(c) establishes a fee for processing and retaining an application which is applied to all applications, including those which are filed in part in English and in part in another language. 37 C.F.R. Sections 1.21(c) and 1.53(d) require that the fee be paid in full at the time of filing. 37 C.F.R. Section 1.53(d) requires that the fee be paid in full at the time of filing. 37 C.F.R. Section 1.21(c) requires that the fee be paid in full at the time of filing. 37 C.F.R. Section 1.53(d) requires that the fee be paid in full at the time of filing.

- ☐ Assignment (See "ASSIGNMENT COVER SHEET") \$ _____

Total completion fees \$ 3312.00

EXTENSION OF TIME

VII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$195.00
<input type="checkbox"/> three months	\$ 890.00	\$445.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00

Fee \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VIII.

The total fee due is:

Completion fees: \$ 3312.00
Extension fee (if any): \$ _____

Total Fee Due \$ 3312.00

PAYMENT OF FEES

IX.

☒ Enclosed is a check in the amount of \$ 3312.00.

☐ Charge Account No. _____ in the amount of \$ _____.
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is evident to which purpose the fees are being paid. 37 C.F.R. Section 1.22.

Please charge Account No. 12-0425 for any fees which may be due by this paper.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

WARNING: *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time; nor will the payer be notified of such amounts. Amounts over twenty-five dollars may be returned if specifically requested in credit to a deposit account." 37 C.F.R. Section 1.26(a).

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 12-0425:

☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

☐ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims are paid on a per-claim basis, it is imperative that the number of these claims be checked by amendment prior to the expiration of the time period set forth in paragraph 11(a) in any notice of fee deficiency. 37 C.F.R. Section 1.16(d) might not be met if a claim is in the P10(a) stage of prosecution. Therefore, it is especially recommended that amendments be filed prior to the expiration of the time period set forth in paragraph 11(a).

☒ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☒ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a))

☒ 37 C.F.R. Section 1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat and consent or future reply regarding a petition for an extension of time under this paragraph for its timely submission, as well as submitting a petition for extension of time for the appropriate length of time. An authorization to charge all required fees (as under Section 1.17) or all required extension of time fees will be treated as a constructive petition for an extension of time in any consent or future reply regarding a petition for an extension of time under this paragraph for its timely submission. Submission of the fees set forth in Section 1.17 will also be treated as a constructive petition for extension of time in any consent or future reply regarding a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. Section 1.18(c)(8).

[X] 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been indicated on the request, the fee of \$1,000 for the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. Section 1.311(c).

NOTE: 37 C.F.R. Section 1.28(b) requires "Notations to change status, location or to omit a claim status must be filed in the application prior to paying, or at the time of paying, the issue fee." For purposes of 37 C.F.R. Section 1.28(b), notations to change status must be made even if the fees are paid. An official stamp of the USPTO and the notation is required if the change is to another small entity.

Reg. No.: 20,302

Tel. No.: (212) 708-1887

Customer No.: 00140

SIGNATURE OF PRACTITIONER

JULIAN H. COHEN

Attorney-in-Fact

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UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20590
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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	APPLICATION FILING NUMBER
09/829,435	04/09/2001	Yoel Arieli	U 013396-8

CONFIRMATION NO. 8767

FORMALITIES LETTER



OC000000006150239

Ladas & Parry
26 West 61st Street
New York, NY 10023

Date Mailed: 06/05/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$2892.
 - \$2052 for 228 total claims over 20.
 - \$840 for 21 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 3312.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE